

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for)	
Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing an Unified Inter-carrier)	
Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal)	
Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

**REPLY COMMENTS OF
COPPER VALLEY WIRELESS ON
CORDOVA WIRELESS PETITION FOR WAIVER REQUEST**

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EXECUTIVE SUMMARY

Communications companies operating in Alaska provide service to customers in some of the most remote and challenging areas in the country. Copper Valley Wireless (CVW) is an Alaska wireless carrier which is a wholly owned subsidiary of Copper Valley Telephone Cooperative. In addition to providing wireless coverage to the study area for its parent company, CVW also serves much of the same area as Cordova Wireless. CVW's interest in the instant petition is to ensure that the facts are accurately presented enabling equitable treatment by the Commission in future decisions.

The FCC is unlikely to grant forward-looking waivers to Alaska CETCs for USF phase down in 2014 until Mobility Fund II and Tribal Mobility Fund II are more clearly defined. Further evidence that Cordova is putting the cart before the horse is in the fact that Cordova is situated within the remote areas of Alaska that have been granted special treatment during the transition for support. We respectfully submit that Cordova is simply not able to see what will happen 24 months from now with respect to open and active FCC dockets.

While we agree with the Alaska Communications Systems (ACS) comments on page 4 that "*the need is particularly acute in Alaska*", we believe that the issue of timing cannot be ignored. For all of these reasons, the Commission should wait until the issue is ripe for a decision and all the facts are available to evaluate.

INTRODUCTION AND BACKGROUND

The purpose of these reply comments is to respond to the Public Notice from the Federal Communications Commission released on October 11, 2012 related to the Cordova Wireless Communications, Inc. Petition for Waiver of Universal Service Rules. In the instant Public Notice, the Commission seeks comment on issues raised by Cordova Wireless through their attorneys. We are pleased to have the opportunity to offer these reply comments.

Copper Valley Wireless (CVW) is an Alaska wireless carrier which is a wholly owned subsidiary of Copper Valley Telephone Cooperative. In addition to providing wireless coverage to the study area for its parent company, CVW also serves much of the same area as Cordova Wireless with the exception of the Yakutat area.

Copper Valley Telephone Cooperative (CVTC) is a rural Alaska cooperative serving six exchanges and is headquartered in Valdez, Alaska. CVTC and its affiliate CVW serve some of the most remote and challenging areas in Alaska.

CVW operates in an area of over 15,000 square miles in 8 exchanges. The corporate office for CVW is in Valdez. The wireless switch is located in the Glennallen office located 100 miles away. It is a two hour drive over Thompson Pass that traverses the Chugach Mountain range. The Glennallen District serves four exchanges covering approximately 8,800 square miles. It is a two hour drive from the Glennallen office to the Mentasta exchange. It is a four hour plus drive to the McCarthy exchange that is located within the country's largest national park. In addition to this area, CVW also serves the Prince William Sound area as well as Cordova down to the Copper River and west to Whittier.

THE CORDOVA WAIVER FILING IS PREMATURE

Stemming from its *Transformation Order* proceeding, the Commission has established dockets and a timeline for reforming mobile services universal service support. In Mobility Fund Phase 1, the Commission addresses how to provide one-time support for bringing 3G or better service to unserved areas. In Mobility Fund Phase 2, the issue is how to provide \$500 million annually in terms of ongoing support for both mobile voice and broadband service in areas where no unsubsidized competitor provides a 3G service.

Further evidence that Cordova is putting the cart before the horse is in the fact that Cordova is situated within the remote areas of Alaska that have been granted special treatment during the transition for support. At paragraph 529 of the *Transformation Order*, the Commission afforded special treatment to both Cordova Wireless and Copper Valley Wireless (and others) by delaying for two years the beginning of the five-year transition period for support. In addition, if the Commission has not implemented Mobility Fund Phase 2, including the Tribal portion, by June 30, 2014, further delay will occur.

We respectfully submit that Cordova is simply not able to see what will happen 24 months from now with respect to open and active FCC dockets. Further, the Cordova petition ignores the upcoming change¹ in its competitive scenario in Yakutat.

¹ In its November 5, 2012 comment filing in U-12-135, GCI indicated that it plans to serve Yakutat in 2013. GCI indicated in its footnote 2 in that filing that it intends to forfeit the Yakutat Mobility Fund I support bids it won and instead deploy a 2G data and voice network in Yakutat in 2013.

We believe the Commission would be well served to observe the outcome of the proceeding that stems from Cordova's filing with the Regulatory Commission of Alaska (RCA) for ETC status for Yakutat. This Cordova request, yet to be granted, is that the ACS of the Northland, Inc. Sitka-Bush study area be redefined to create a new study area consisting solely of the Yakutat exchange. The RCA has opened docket U-12-135 to hear this matter and received comments on November 5, 2012 from both ACS Wireless and GCI that object to various aspects of the Cordova request.

We agree with the comments filed by General Communication, Inc. (GCI) with respect to the Cordova Petition being premature. GCI stated in part in their initial comments: *"CWC's request for a waiver is premature. . . At present, CWC's requested waiver is both unnecessary and against the public interest. . . Moreover, CWC will face that phase-down only if it is not awarded Mobility Fund Phase 2 or Tribal Mobility Fund Phase 2 support for its areas. CWC claims potential harms that remain, at this point, largely hypothetical. . . CWC offers no reason why a waiver must be granted **now**."* (emphasis added)

While we agree with the Alaska Communications Systems (ACS) comments on page 4 that *"the need is particularly acute in Alaska"*, we believe that the issue of timing cannot be ignored.

For all of these reasons, the Commission should wait until the issue is ripe for a decision and all the facts are available to evaluate.

**IF THE CORDOVA WIRELESS PETITION IS GRANTED, OTHER EQUALLY
OR MORE DESERVING ALASKA WIRELESS COMPANIES THAT SERVE
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Copper Valley Wireless provides service to much of the same areas as Cordova Wireless. Simply stated, Cordova is not the only company that is operating in the harsh environment of Prince William Sound. Communications companies operating in Alaska provide service to customers in some of the most remote and challenging areas in the country. CVW faces challenges equal to those faced by Cordova with regard to factors including sparse population², lack of highway infrastructure³, and topography and climactic⁴ conditions.

If CVW is unable to obtain ongoing support from the upcoming Commission proceedings that seek to reform wireless USF, then we anticipate that CVW will file a waiver that provides an accountable and transparent pleading for its case. But, we believe it more appropriate to allow the Commission to complete its scheduled work on this

² The service territory for Copper Valley Wireless is approximately 15,000 square miles. This equates to a service territory that is larger than the State of New Hampshire, but with a much smaller population of approximately 7,000. This equates to a population density of less than one person per square mile.

³ Four of the six exchanges served jointly by CVW and CVTC are on the road system (Valdez, Glennallen, Chitina, and Mentasta). The two exchanges served that are not on the road system provide logistical challenges. Tatitlek is a native village in Prince William Sound. To get to Tatitlek, it is a 20 minute small plane ride or a 2 hour boat ride. In order to provide broadband service to this Alaska native village, CVTC and its affiliates constructed a microwave system that required four hops. The longest hop is approximately 40 miles over water. To access three of the four remote microwave hop sites requires the use of a helicopter for transportation. The McCarthy exchange is located 90 miles off the Richardson Highway. Approximately two thirds of this distance is on an old railroad bed. During the summer season, it requires about a four hour drive from the nearest CVTC office. During the winter, access is limited as the one hour flight required may be grounded due to the extremely cold temperatures (minus 50 degrees Fahrenheit) often experienced in that region. CVW also maintains five additional cellular sites in Prince William Sound and Cordova. Four of these sites require helicopter access.

⁴ In addition to the distances, the operating environment is extreme. Valdez receives an average of 327 inches (27.25 feet) of snow annually. The Glennallen District sees winter temperatures of -50 degrees F in the winter season and lightning storms in the summer.

Copper Valley Wireless Reply Comments on Cordova Wireless Petition for Waiver
WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC
Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, and WT Docket No. 10-208
November 26, 2012

matter. However, if the Commission should grant the waiver requested by Cordova

Wireless, CVW will be submitting its own waiver request in order to remain competitive
and provide a choice to the residents in the region.

Respectfully submitted,

Via ECFS at 11/26/12

David Dengel
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